

HALL COUNTY BOARD OF SUPERVISORS MEETING SEPTEMBER 23, 2003

The Hall County Board of Supervisors met September 23, 2003, by published call in the county board meeting room, 121 South Pine, Grand Island.

CALL TO ORDER- The meeting was called to order Chairman Pamela Lancaster

INVOCATION - Invocation was given by Pastor David Celmer With Messiah Lutheran Church.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was given in unison

ROLL CALL – Present on roll call were Scott Arnold, Jim Eriksen, Dick Hartman, Bob Humiston, Bud Jeffries, Pamela Lancaster and Robert Rye. Also present were news media representatives from KRGI and *The Grand Island Independent*.

CONSENT AGENDA – Arnold made a motion and Jeffries seconded to approve the following by consent agenda –

1. Accept and place on file the minutes of the September 9th meeting
 2. 5a Authorize the Chair to sign annual budget report to Board of Classifications and Standards
 3. 8 Approve the Amusement License for Hall County Ag Society
 4. 8 approve the Amusement License for Grand Island Saddle Club
 5. 9 Accept and place on file the June 30, 2003 Keno Audit
 6. 23 Accept and place on file the office report from Emergency Management
 7. 24 Accept and place on file the Hall County Treasurer's Miscellaneous Receipts
 8. 25 Accept and place on file communications as received
- Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Lancaster stated that item 7 on the agenda to authorize the chair to sign the service agreement for the Beltzer Building would be tabled and returned to committee.

COUNTY ATTORNEY – DISCUSS AND TAKE ACTION ON RESOLUTION REGARDING YWCA BOND REFINANCING AND AUTHORIZE CHAIR TO SIGN THE FIRST SUPPLEMENT TO TRUST INDENTURE – County Attorney Jerry Janulewicz stated that in 2000 the YWCA used industrial development bonds for the improvements and remodeling at the Y. Norwest Bank was the holder of these bonds and because of the changes in the interest rate they are requesting to redo the bonds and take advantage of the lower interest rates. The bondholder and the trustee of the bonds are in agreement so the county will need to adopt the resolution to start this. Mr. Janulewicz stated that representatives from Wells Fargo are present to answer any questions.

Arnold stated that the county has a limit on the amount of bonds that can be awarded and he questioned if this award would affect this year or next year, Mr. Janulewicz stated that he understood these bond would affect the calendar year 2003.

Hartman made a motion and Jeffries seconded to approve Resolution #03-0071 the resolution regarding the YWCA bond refinancing and authorize the chair to sign the first supplement to the trust indenture. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

BEFORE THE BOARD OF COUNTY SUPERVISORS
OF HALL COUNTY, NEBRASKA

RESOLUTION AUTHORIZING AND)
APPROVING THE EXECUTION, ISSUANCE)
AND DELIVERY OF A FIRST SUPPLEMENTAL)
TO TRUST INDENTURE AND RELATED)
DOCUMENTS AND ITEMS; AUTHORIZING)
AND APPROVING THE REISSUANCE OF THE)
COUNTY'S INDUSTRIAL DEVELOPMENT)
REVENUE BONDS, SERIES 2000 (YOUNG)
WOMEN'S CHRISTIAN ASSOCIATION OF)
GRAND ISLAND, NEBRASKA PROJECT); AND)
RELATED MATTERS.)

RESOLUTION NO. _____

BE IT RESOLVED BY THE BOARD OF SUPERVISORS (THE "BOARD") OF THE COUNTY OF HALL, NEBRASKA (THE "COUNTY"), as follows:

Section 1. Findings. The County has heretofore determined, and does hereby determine, as follows:

(a) The County has previously issued its Industrial Development Revenue Bonds, Series 2000 (Young Women's Christian Association of Grand Island, Nebraska Project), in the principal amount of \$500,000 (the "2000 Bonds"), pursuant to the terms of a resolution of the County and a Trust Indenture, dated as of March 30, 2000 (the "Indenture"), between the County and Norwest Bank Nebraska, National Association (now known as Wells Fargo Bank Nebraska, National Association), all in accordance with the provisions of Section 2 of Article XIII of the Nebraska Constitution and Sections 13-1101 to 13-1110, inclusive, Reissue Revised Statutes of Nebraska, as amended.

(b) The County loaned the proceeds of the 2000 Bonds to the Young Women's Christian Association of Grand Island, Nebraska, a Nebraska nonprofit corporation (the "Borrower"), pursuant to a Lease and Agreement, dated as of March 30, 2000 (the "Lease Agreement"), to assist the Lessee with the acquisition, construction and equipping of a building for use by the Borrower.

(c) The County has previously found that the issuance of the Bonds would effectuate the public purposes of the County and carry out the purposes of Section 2 of Article XIII of the Nebraska Constitution and Sections 13-1101 to 13-1110, Reissue Revised Statutes of Nebraska, as amended (the "Act") by, among other things, increasing employment in the state of Nebraska.

(d) The 2000 Bonds are limited obligations of the County payable solely out of the basic rental payments of the Borrower under the Lease Agreement and other amounts pledged pursuant to the Indenture, and shall not be a general liability of the County or a charge against its general credit or taxing powers.

(e) The Borrower is now requesting that the interest rate on the 2000 Bonds be changed to bear interest at a lower rate, and the Trustee and the original purchaser of the 2000 Bonds have agreed to such change.

(f) In accordance with the requirements of the Act, the Board of Supervisors found and determined, and does hereby find and determine, the following:

(i) The amount necessary to pay the principal of and interest on the 2000 Bonds will be the sums of basic rent calculated in the manner specified and provided for in Article III of the Lease Agreement; and

(ii) The payments to be made by the Borrower pursuant to said Article III of the Lease Agreement will be sufficient in amount to pay all principal and interest requirements on the 2000 Bonds as the same become due; and

(iii) The Borrower has in the Lease Agreement covenanted and agreed with the County to maintain the facilities financed with the proceeds of the 2000 Bonds, to pay all taxes with respect thereto and to indemnify and save harmless the County and the Trustee against and from any loss, damage or claim suffered, occasioned by or incurred in connection with the facilities financed by the 2000 Bonds; and

(iv) The Lease Agreement is in full and complete compliance and conformity with all of the provisions of the Act.

(g) The Bonds will not and shall never constitute a debt, liability or general obligation of the state of Nebraska, or any political subdivision, agency or instrumentality thereof, nor will the faith and credit or the taxing power of the state of Nebraska be pledged to the payment of the principal of or interest on the 2000 Bonds

Section 2. Approval of First Supplement to Trust Indenture. The First Supplement to Trust Indenture, dated as of September 30, 2003 (the "First Supplement"), to be entered into between the County and Wells Fargo Bank Nebraska, National Association, as Trustee, as a first supplement to the Indenture, in the form or substantially in the form attached hereto as Attachment 1, but with such changes, modifications, amendments, revisions and alterations as the Chair, the Vice Chair, the County Clerk or the County Attorney shall independently, in the exercise of their own individual independent judgment and absolute discretion, determine to be necessary, proper, appropriate, advisable or desirable in order to effectuate the reissuance of the 2000 Bonds, be and the same is hereby in all respects authorized, adopted, specified, accepted, ratified, approved and confirmed.

Section 3. Approval and Reissuance of 2000 Bonds. The County hereby authorizes the reissuance of its Industrial Development Revenue Bonds, Series 2000 (Young Women's Christian Association of Grand Island, Nebraska Project), in the principal amount of \$429,149.94, and the sale and delivery of the Bonds to Wells Fargo Brokerage Services, LLC (the "Original Purchaser"), in the form or substantially in the form attached hereto as Attachment 2, but with such changes, modifications, amendments, revisions and alterations as the Chair, the Vice Chair, the County Clerk or the County Attorney shall independently, in the exercise of their own individual independent judgment and absolute discretion, determine to be necessary, proper, appropriate, advisable or desirable in order to effectuate the reissuance of the 2000 Bonds, be and the same is hereby in all respects authorized, adopted, specified, accepted, ratified, approved and confirmed.

Section 4. Additional Authorizations. The Chair, the Vice Chair, the County Clerk and the County Attorney be and they are each hereby authorized to execute and deliver the First Supplement and to reissue the 2000 Bonds for and on behalf of the County, together with all additional certificates, documents, opinions or other papers and to perform all other acts as they may deem necessary or appropriate in order to implement and carry out the issuance, sale and delivery of the 2000 Bonds and all other matters herein authorized.

Section 5. No Further Amendments. Except as expressly set forth in this resolution and in the First Supplement, no other amendments to the First Supplement or any other document relating to the Indenture and the reissuance of the 2000 Bonds thereunder have been authorized or are being made.

Section 6. Severability. If any one or more provisions of this Resolution should be determined by a court of competent jurisdiction to be contrary to law, then such provisions shall be deemed severable from the remaining provisions hereof and the invalidity thereof shall in no way affect the validity of the other provisions of this Resolution. If any provisions of this Resolution shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid in any particular case in any jurisdiction or jurisdictions, or in all cases because it conflicts with any constitution or statute or rule or public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever.

Section 7. Section Headings. The headings or titles of the several sections hereof shall be solely for convenience of reference and shall not affect the meaning or construction, interpretation or effect of this Resolution.

Section 8. Conflicting Provisions Repealed. All resolutions, orders or ordinances, or parts thereof, in conflict with the provisions of this Resolution, are to the extent of such conflict, hereby repealed.

Section 9. Effectiveness. This Resolution shall be in full force and effect from and after its passage as provided by law.

Resolution moved by Supervisor _____.

Seconded by Supervisor _____.

Vote:

Supervisor Arnold:	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Eriksen:	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Hartman:	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Humiston:	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Jeffries:	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Lancaster	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Rye:	For ____; Against ____; Abstained ____; Not Present ____.

PASSED AND ADOPTED THIS _____ DAY OF SEPTEMBER, 2003.

HALL COUNTY BOARD OF
SUPERVISORS

Pamela Lancaster, Chairman of the Board
of Supervisors

Marla J. Conley, Hall County Clerk

Approved as to form:

Jerom E. Janulewicz, Hall County Attorney

PUBLIC PARTICIPATION – Chairman Lancaster called for public participation and no one responded.

15 REGIONAL PLANNING – a. DISCUSS & APPROVE REAPPOINTMENT OF PAT O'NEILL AND MARK HASKINS TO REGIONAL PLANNING COMMISSION BOARD - Regional Planning Director Chad Nabity was present and he stated that Mr. O'Neill and Mr. Haskins terms will be over at the end of October and the planning commission and Mr. Nabity recommend that they be reappointed to serve another three-year term. He said that Mr. O'Neill has served for 1-½ years and Mr. Haskins has served for 20 years. There are no term limits and a board member cannot be removed without cause.

Hartman made a motion and Jeffries seconded to reappoint Mr. Pat O'Neill and Mark Haskins to the Regional Planning Commission Board. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

11 EXECUTIVE SESSION PERSONAL – Jeffries made a motion and Arnold seconded to go into executive session. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Executive session 9:15 a.m.

9:58 a.m. recessed the executive session

4 PUBLIC HEARING TO VACATE A PORTION OF WISEMAN ROAD AND LOUP RIVER ROAD – Jeffris made a motion and Hartman seconded to open the public hearing concerning vacating a portion of Wiseman and Loup River Road. Arnold, Eriksen, Hartman, Humiston, Jeffries and Lancaster all voted yes and none voted no with Rye absent for the vote. Motion carried.

County Surveyor Dan Hostler was present and he stated that he examined the feasibility of closing this road and recommended that the road be vacated and the right-of-way reverts back to the adjacent landowners. The road has not been opened and is not used. Buffalo County does not have any right-of-way.

Chairman Lancaster called for public participation and no one responded.

Jeffries made a motion and Hartman seconded to close the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Jeffries made a motion and Hartman seconded to refer this portion of Wiseman Road and Loup River Road to the township board to see they want to take it over. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

A letter offering the road to the township will need to be sent and if they decline to accept the road a resolution to close it will then need to be approved.

Jeffries excused himself from the meeting.

16 COMMENCE AUDIT AND APPROVAL OF BI WEEKLY PAY CALIMS AND REGULAR CLAIMS – The board members reviewed the claims and Eriksen made a motion and Arnold seconded to approve the bi weekly pay claims and all of the regular claims but to hold claim number 030900347 for clarification. Arnold, Eriksen, Hartman, Humiston, Lancaster and Rye all voted yes and none voted no with Jeffries absent for the vote. Motion carried.

6 DRUG COURT CONNIE HUKLTINE DISCUSS AND AUTHORIZE CHAIR TO SIGN REVISED CRIME COMMISSION GRANT – Connie Hultine was present and stated that this a revision on the grant for her position. When the Crime Commission approved this grant they approved \$21,900.00 for her position so she needed to change her budget to reflect the amount that the Crime Commission approved. This revision does not affect the county budget; the budget is approved at a higher amount in the event that drug court would receive the full amount requested.

Hartman made a motion and Eriksen seconded to approve the revision and authorize the chair to sign. Arnold, Eriksen, Hartman, Humiston, Lancaster and Rye all voted yes and none voted no, with Jeffries absent for the vote. Motion carried.

BOARD ASSISTANT'S REPORT – No report

BOARD MEMBER'S REPORTS – Rye – He stated he attended the personal committee meeting and the computer meeting.

Arnold – He attended the computer committee meeting and talked with Chuck Kaufman on building and grounds issues. He stated that it is nice to have it slow down.

Hartman – He attended the CNCS meeting in Loup City and also had several meetings with Chuck Kaufman concerning the park. He expressed concern on the fact that some of the camping slabs may be hard to park campers on and some of the camping pads do not have any shade but there are plans to replace and transfer some of the trees but it will take time to get it back into shape. It will never be the same as it was. There are areas that need to be seeded and the sprinklers, water and electrical work still needs to be done. They hope to have it open next spring.

Humiston – He stated he attended the computer committee meeting.

Eriksen - no report

Lancaster – She stated everything has been reported on. She said she attended the find arts production at College Park and encouraged everyone to try and attend. They are wonderful performances and it is an enjoyable experience. She noted the article in the paper concerning the relocation of the state fair and a task force has been formed. If the location were to be moved even state statutes would have to be changed.

NEW OR UNFINISHED BUSINESS – Chairman Lancaster called for new or unfinished business and no one responded.

The executive session was recessed and the board will now go back into session.

10:35 a.m. executive session

11:45 a.m. Arnold made a motion and Hartman seconded to go out of executive session. Arnold, Eriksen, Hartman, Humiston, Lancaster and Rye all voted yes and none voted no, with Jeffries absent for the vote. Motion carried.

11:45 a.m. meeting adjourned. The next meeting will be October 7, 2003 at 9:00 a.m.

Marla J. Conley Hall County Clerk